

Chapter 1

GENERAL PROVISIONSGeneral Provisions

Section 1. Authority and Purpose. These rules are adopted by the Wyoming State Board of Cosmetology, ~~hereafter "Board", pursuant to~~under the authority granted by W.S. 33-12-123 and 134 ~~in order to assist the Board in performing its responsibilities pursuant to~~under W.S. 33-12-119 through 140.

Section 2. Disposition of Fees. Under no circumstances will fees be refunded.

Section 3. Correspondence Courses and Apprenticeship Training. Correspondence courses are not recognized by the Board. Apprenticeship training is only recognized if it is a certified program through a State Regulatory Agency. The applicant must submit certification of record from the licensing or state regulatory agency.

Section 4. Display of License, Rules, and Notices. All licensees, ~~including schools, and salons, and independent contractors;~~ shall conspicuously display the appropriate license(s), ~~sanitation rules and regulations, most recent inspection report sheet, infection control, wet disinfection and blood exposure standards, plus pedi spa standards if applicable wet disinfection and blood spill procedures,~~ in ~~an~~ an unobstructed location accessible and visible to the consumer, ~~without obstructions.~~

Section 5. Credit Allowed to Barbers.

~~(a)~~ A barber/stylist licensed in Wyoming who has completed one thousand (1,000) three hundred fifty (350) hours in a board certified school of cosmetology with special focus on esthetics and nail technology qualifies to take the cosmetology examination.

~~(a)-(b)~~ A barber licensed in Wyoming who has completed six hundred (600) hours in a board certified school of cosmetology with special focus on chemicals, esthetics, and nail technology qualifies to take the cosmetology examination.

Section 6. ~~Definitions; Scope of Practice.~~

~~(a) "Cosmetologist" means a person who engages in and is licensed to perform services for others for the improvement and beautification of human hair, skin, and nails for cosmetic purposes by using one or more methods or practices including but not limited to:~~

~~(i) Cutting, clipping or trimming hair;~~

~~(ii) Massaging, cleansing, stimulating, manipulating, exercising, beautifying; applying oils, lotions, or other preparations; styling, arranging, dressing, braiding, curling, waving, chemical waving, straightening, singeing, bleaching, tinting, coloring or similar functions, upon the scalp, hair, wig or hairpiece of any person;~~

~~(iii) Applying extensions to a person's hair by bonding, sewing, braiding, or any other means;~~

~~(iv) Nail Technology; as defined in this chapter; section 6 (d);~~

~~(v) Esthetics; as defined in this chapter; section 6 (f).~~

~~(b) "Hairstylist" means a person who engages in and is licensed to perform services listed in Section 6 (a), (i), (ii) and (iii) for the improvement and beautification of hair and scalp.~~

~~(c) "Hairstylist/Wax" means a person who has completed the hairstylist program and the additional training as required by Chapter 6; Section 5, to acquire the skills to safely remove superfluous hair.~~

~~(d) "Nail Technician" means a person who engages in and is licensed to perform services for others for the improvement and beautification of the hands, arms to the elbows, the feet, and ankles to the knees, for cosmetic purposes by using one or more methods or practices including, but not limited to:~~

~~(i) Cutting, trimming, polishing, coloring, cleansing or otherwise treating nails;~~

~~(ii) Applying artificial nails;~~

~~(iii) Massaging, cleansing, stimulating, manipulating, exercising, beautifying; applying oils, lotions, or other preparations, to a person's hands, arms to the elbows, feet, and ankles to the knees, by any means.~~

~~(e) "Nail/Wax Technician" means a person who has completed the nail technology training and the additional training as required by Chapter 6; Section 5, to acquire the skills to safely remove superfluous hair.~~

~~(i) Beginning March 1, 2011 Nail Technicians will only be allowed to perform services for the removal of superfluous hair if they have completed the additional training required by Chapter 6; Section 5 and have passed the required written and practical exam.~~

~~(f) "Esthetician" means a person who engages in and is licensed to perform services for others for the improvement and beautification of the skin for cosmetic purposes using one or more methods or practices including but not limited to:~~

~~(i) Massaging, cleansing, exfoliating, stimulating, manipulating, exercising, beautifying; applying makeup, oils, lotions, or other preparations using hands, chemicals, mechanical or electrical apparatuses or appliances;~~

~~(ii) Removal of superfluous hair by means other than electrolysis;~~

~~(iii) Arching or tinting eyebrows; tinting, chemical waving, or applying extensions to eyelashes;~~

~~(iv) Performing extractions of the face using hands or mechanical or electrical apparatuses or appliances;~~

~~(v) Using procedures which do not penetrate below the Epidermal layer of the skin are considered non-invasive and are permitted.~~

~~(vi) Procedures which penetrate into the dermal layer of the skin are considered invasive and are prohibited.~~

~~(vii) Using the term or title of "Medical Esthetician" is not allowed.~~

~~(g) "Instructor" means a person who is licensed to instruct students in the study of cosmetology or related fields. An instructor can only instruct within the scope of practice for his/her professional license.~~

~~(h) Cosmetology related fields include hairstylist, esthetics and nail technology.~~

~~(c) "Independent Contractor" is an individual holding a current cosmetology, hairstylist, nail technician, or esthetician, license who is working as a booth renter within a licensed salon. The license for an Independent Contractor is renewable no later than August 31 of each year.~~

Section 6. Scope of Practice.

(a) Hairstyling.

(i) Cutting, clipping, or trimming hair;

(ii) Massaging, cleansing, stimulating, manipulating, beautifying, applying oils, lotions, or other preparations, styling, arranging, dressing, braiding, curling, waving, chemical waving, straightening, singeing, bleaching, tinting, coloring or similar functions, upon the scalp, hair, wigs, or hairpiece of any person; and

(iii) Applying extensions to a person's hair by bonding, sewing, braiding, or any other means.

(b) Nail Technology.

(i) Cutting, trimming, polishing, coloring, cleansing, or otherwise treating nails;

(ii) Applying artificial nails; and

(iii) Massaging, cleansing, stimulating, manipulating, beautifying, applying oils, lotions, or other preparations to a person's hands and arms to the elbows, feet and ankles to the knees, by any means.

(c) Esthetics.

(i) Massaging, cleansing, exfoliating, stimulating, manipulating, beautifying, applying makeup, oils, lotions, or other preparations to the skin using hands, chemicals, mechanical or electrical apparatuses or appliances;

(ii) Removal of superfluous hair by means other than electrolysis or laser;

(iii) Arching or tinting eyebrows, tinting, chemical waving, or applying extensions to eyelashes; and

(iv) Performing extractions of the face using hands, or mechanical or electrical apparatuses or appliances.

~~(i)-(v)~~ (v) Procedures which do not pierce the epidermal layer (outermost layer) of skin are considered noninvasive and are permitted.

(vi) Procedures which pierce the dermal layer (live layer of connective tissues) of the skin are considered invasive and are prohibited.

(vii) Using the term or title of "Medical Esthetician" is not allowed.

(d) Cosmetology.

(i) Encompasses hairstylist, nail technician and esthetics as defined in this chapter, section 6 (a), (b), and (c).

(e) Hairstylist/Wax Technician or Nail/Wax Technician. A licensed Hairstylist or Nail Technician that has completed the additional training and has passed the required examination as required by Chapter 6, Section 6, to acquire the skills to safely remove superfluous hair.

Section 7. Independent Contractor.

~~(j)-(a)~~ An individual holding a current cosmetology, hairstylist, nail technician, or esthetician license who is self-employed working within a licensed salon.

Section 8. Unprofessional or Dishonest Conduct. Unprofessional or dishonest conduct pursuant to W.S. 33-12-135 (iii) includes, but is not limited to, the following:

~~Section 7.~~ (a) Working with an expired or lapsed license is considered non-licensed practice. Any grace period associated with a license is to delay late fee, and does not continue the license;

~~(a)-(b)~~ The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice or instruction of cosmetology, nail technology, esthetics, or hair styling;

~~(b)-(c)~~ Misrepresentation or concealment of a material fact in obtaining or renewing a license;

~~(c)-(d)~~ Advertising which is false, fraudulent, or misleading;

~~(d)-(e)~~ Incompetence, negligence, or any practice which results in injury to a patron or which creates an unreasonable risk of harm to a patron;

~~(e)-(f)~~ Suspension, revocation, or restriction of a license by a competent authority in another jurisdiction that also violates Wyoming law;

~~(f)-(g)~~ Unlawful possession, use, or delivery of a controlled substance;

~~(g)-(h)~~ Violation of any state statute or administrative rule relating to the practice of cosmetology, nail technology, esthetics, or hair styling;

~~(h)-(i)~~ Failure to cooperate with the Board or its agents by:

(i) Not furnishing papers, documents, records, or other items requested;

(ii) Not furnishing a full and complete written explanation in response to any complaint filed with the Board;

(iii) Not responding to a subpoena issued by the Board; and

(iv) Interfering with or refusing access to any Board member, agent, or assistant seeking to ~~inspect~~ perform an inspection.

~~(i)-(j)~~ Failure to comply with any order issued by the Board;

~~(j)-(k)~~ Aiding or abetting the practice of cosmetology, nail technology, esthetics, or hair styling by an unlicensed person;

~~(k)-(l)~~ Practicing beyond the scope of practice authorized by the person's license;

~~(l)~~ Fraud or misrepresentation;

(m) Practicing while suffering from a contagious or infectious disease involving serious risk to patrons;

(n) Promotion for personal gain of any inefficacious product, treatment, or service;

(o) Interference with an investigation or disciplinary proceeding by willfully ~~misrepresentation~~ misrepresenting ~~of facts, the use~~ using ~~of~~ threats or harassment against any witness to prevent them from providing evidence in a disciplinary proceeding or other legal action, or ~~by the use of~~ using financial inducements to any

witness to prevent or attempt to prevent the witness ~~for~~from providing evidence in a disciplinary proceeding or other legal action;

~~(p) Current misuse of alcohol or controlled substances; and~~

~~(q) (p) Abuse of a patron or nonconsensual sexual ~~contract~~conduct with a patron.~~

~~**Section 8.**~~**Section 9.** Publications. Current licensees will be notified of rule changes by mail, ~~when changes have been made.~~ All changes will be available on the Board's official web site and ~~upon receipt of a self-addressed stamped #10 envelope,~~ the Board will send the current Rules and Regulations to the licensee; upon receipt of a self-addressed stamped #10 envelope. ~~All new applicants for licensure will be provided a copy of the Wyoming Board of Cosmetology Statutes, Rules and Regulations as required in W.S. 33-12-138. Additional Rule books may be purchased from the Board office for the fee set in Chapter 13 of the Boards rules and regulations.~~

~~**Section 9.**~~**Section 10.** Credit Hours vs. Clock Hours. The Board will recognize a conversion ratio of Thirty (30) clock hours to One (1) credit hour for students transferring to Wyoming to complete their training in cosmetology and related fields. The transferring credit hours must be in the field of cosmetology and have been completed within the ~~past~~ five (5) years immediately preceding application.